

The Morehead City Board of Adjustment conducted a regular monthly meeting on Thursday, January 27, 2011, in the Municipal Building Auditorium, 202 South Eighth Street, which started at 5:30 p.m. The following were present:

**MEMBERS:** Chairman James Walker, Laura Drewyor, Dick Gambill, Joe Green, Tripp Mudge, Dave Robertson, Beth Taylor, and Bill Ward

**ABSENT:** Holly Briggs

**OTHERS PRESENT:** Planning Director Linda Staab, Secretary Jeannie Vaughan, City Attorney Derek Taylor, Mike Shutak of the Carteret News-Times, John Eagan, Susan Filliaux, and Steve Filliaux.

Chairman James Walker called the meeting to order and gave the invocation.

The roll was called and Holly Briggs was absent. Bill Ward made **MOTION**, seconded by Beth Taylor, to excuse the called-in absence. The motion carried unanimously.

***MINUTES: November 18, 2010***

Chairman James Walker called for changes or amendments to the minutes. Dick Gambill made **MOTION**, seconded by Bill Ward, to adopt the minutes as submitted and dispense with the reading. The motion carried unanimously.

***BUSINESS:***

***A. Request submitted by John T. Eagan, III, Agent for Trent Road III Limited Partnership, for a special-use permit under Article 11 of the Unified Development Ordinance (UDO) for Old Gate Apartments located at 541 North 35<sup>th</sup> Street and zoned R5 (Residential District):***

Those wishing to give testimony were sworn in (Linda Staab, John Eagan, and Susan Filliaux).

Voting members were: Laura Drewyor, Dick Gambill, Beth Taylor, James Walker, and Bill Ward. Joe Green, Tripp Mudge, and Dave Robertson were excused as only five members were needed.

Laura Drewyor made **MOTION**, seconded by Beth Taylor, to open the public hearing. The motion carried unanimously.

Planning Director Linda Staab introduced the request.

The applicant, Mr. Eagan, is the agent and a principle of the corporation that owns the property on North 35<sup>th</sup> Street where Old Gate Apartments is located. This 40-unit apartment complex was constructed in 1979 on 4.8 acres and is comprised of one- and two-bedroom units, an office, and a swimming pool.

Multi-family dwellings are currently allowed in the R5 district with a special-use permit, but there is no special-use permit on file for this complex, making it legal nonconforming. The applicant wishes to establish the special-use permit for the complex so that the property is conforming.

With regard to the special-use criteria, a written application was received. This is an existing complex and use and does not affect adversely the general plans for physical development of the town. No inconsistencies were found with the Land Use Plan or the UDO. The use is not contrary to stated purposes of the regulations. No issues were detected with the ordinance or district purposes and the use is allowed with a special-use permit. The use is on a lot of sufficient size to satisfy space requirements of said use. Outside lighting met requirements at the time the complex was constructed and since no exterior changes are being proposed, it is adequate per the attorney. All other development standards meet or exceed current standards.

No changes are planned for the complex at this time; however, should substantial changes occur, the applicant will need to request a modification to the special-use permit, if granted.

The hearing has been advertised, and notices were mailed to property owners within one hundred (100) feet to notify them of the request.

The applicant, Mr. Eagan, requested approval of the special-use permit. Mr. Eagan testified that the complex has been operating in the red for the past few months, and the owners have been evaluating other financing options. The owners are working with the Federal Housing Authority (FHA) to refinance the project, but the nonconforming status is preventing an FHA loan from being approved.

The special-use criteria was addressed: 1) the proposed use will not adversely affect the health and safety of residents or workers in the town as it already exists; 2) the proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses, again, it already exists and there have been no problems since the complex was built; 3) the proposed use will not be adversely affected by the existing uses, again, the area is already residential; and 4) the proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, of the vehicular movement, or noise or fumes or of the type of physical activity.

Susan Filliaux, who lives in apartment 115B in the complex, said that she was concerned about being forced to move as she likes the complex and there isn't much else available in Morehead City. Mr. Eagan responded by saying that the owners have no intentions of forcing tenants to vacate the property.

No one spoke in opposition to the request.

***CONSIDERATION AND DETERMINATION OF CASE HEARD:***

Laura Drewyor made **MOTION**, seconded by Bill Ward, to close the public hearing. The motion carried unanimously.

Bill Ward asked for the Town's position, and Ms. Staab stated that the Town had no objections to the request.

There was no further discussion.

Bill Ward made **MOTION**, seconded by Beth Taylor, to grant the special-use. The motion carried unanimously.

***UNFINISHED BUSINESS:***

There was no unfinished business discussed.

***NEW BUSINESS:***

No new business was discussed.

***ADJOURNMENT:***

Laura Drewyor made **MOTION**, seconded by Dick Gambill, to adjourn the meeting. The motion carried unanimously and the meeting was adjourned at 5:55 p.m.

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Jeannie Vaughan  
Secretary